

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 25180
Docket Number SG-25224

Martin F. **Scheinman**, Referee

PARTIES TO DISPUTE: ((Brotherhood of Railroad Signalmen
(Southern Railway Company

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad signalmen on the Southern Railway Company et al.:

On behalf of Signal Maintainer J. G. Woods, who was suspended **three** calendar days by notice dated June 16, 1982, that his record be cleared of all charges and that he be paid for all time lost **on** the three work days he was suspended. [General Chairman file: SR-275. Carrier file: **SG-544**]

OPINION OF BOARD: Claimant, Signal Maintainer J. G. Woods, after investigation, was suspended for three working days. The suspension stemmed from an automobile accident that Claimant was in, in Carrier's truck, on May 12, 1980.

The Organization disputed the discipline imposed. It asserts that Carrier's only witness was not credible, and that Carrier should share the responsibility for the accident because the truck was improperly equipped and was without disc mirrors. The Organization also contends that other **employees** have been involved in more serious vehicular accidents without discipline being imposed.

Further, the Organization argues that **the** damage to the truck was but \$116.50. It asserts that the suspension given Claimant was far in excess of that amount.

Finally, the Organization maintains that Claimant's action was not deliberate. It insists that the mishap does not even constitute negligence. In support of this contention, the Organization notes that the police investigated the incident but did not issue a citation.

In all, the Organization urges that Claimant is guilty of no offense. As such, it asks that he be made whole for the penalty imposed.

Carrier, on the other hand, argues that the penalty was appropriate. It contends that Claimant backed a Carrier truck into a privately owned vehicle. As such, it alleges that Claimant violated Rule 15 of its **"Rules and Instructions Governing the Use and Operation of Highway Motor Vehicles"**. It states:

"Driver must be sure that other vehicles, persons, **or** fixed structures and other objects are clear before moving vehicle.*"

Carrier also urges that Claimant violated Rule 28 of the **"Rules"** by hitting the car. It states:

"Vehicle must not be driven recklessly, or in a manner that may endanger persons or property."

Finally, Carrier maintains that Claimant violated Rule 56 by failing to report the accident immediately.

In all, Carrier insists that its action was appropriate. Accordingly, it asks that the claim be denied.

After reviewing the record evidence we must conclude that the discipline imposed was proper. We reach this conclusion based on Claimant's clear violation of Rule 56 of Carrier's rules. We make no finding whatsoever regarding Claimant's alleged violation of Rules 15 and 28.

Rule 56 is clear and unambiguous. It requires an **employee** involved in an accident to report it to Carrier promptly. Specifically, it states:

"**Any** accident no matter how trivial must be reported immediately to the driver's superior officer or headquarters;"

Here, it is uncontested that the accident occurred at approximately 1:00 p.m. on Friday, May 14, 1982. Nevertheless, Claimant did not report the accident to his Supervisor until Monday, May 17, 1982. Claimant's explanation that he was waiting for a copy of the police report is simply not valid. He was required to immediately report the accident. He failed to do so. Thus, Claimant is clearly guilty of violating Rule 56.

Given the proven offense, we do not find the imposition of a three working day suspension to be excessive or unreasonable. Therefore, we will deny the claim in its entirety.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties waived oral hearing;

That the Carrier and the Employees involved in this dispute are respectively Carrier and **Employees** within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the Agreement was not violated.

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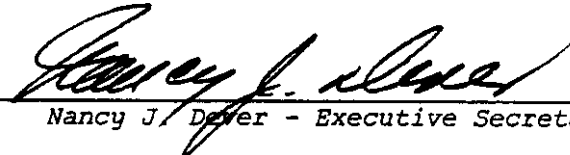
Page 3

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Claim denied.

NATIONAL RAILROAD **ADJUSTMENT** BOARD
By Order of Third Division

Attest:


Nancy J. Dover - Executive Secretary

Dated at Chicago, Illinois, this 14th day of December 1984.